

**From:** Charles Myers  
**To:** Microsoft Settlement U.S. Department of Justice  
**Date:** 1/25/02 3:35pm  
**Subject:** Microsoft Settlement

Charles Myers  
4326 Mariner Lane  
Fairfax, VA 22033

January 25, 2002

Microsoft Settlement U.S. Department of Justice

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Dear Microsoft Settlement U.S. Department of Justice:

I have closely followed the progress of the Microsoft case. I am greatly saddened at the amount of tax payer's dollars used in this case. While I feel that the Federal government is correct in using legislation and the courts to ensure fair competition and open markets, the time has come to cleanly and clearly make an end to this case. With the United States in a state of economic recession, now is not the time for a prolonged court battle. The technology sector is one of our greatest assets as a nation, and we need to allow them to go back to work on innovating products for this new millenium.

As such, I feel strongly that the breakup of Microsoft is not needed. What is needed is:

- \* clear guidance on what is allowable for "bundling" of software;
- \* release of the source code for present and future Microsoft and non-Microsoft operating systems, and;
- \* limits on current modes of software licensing.

On this last point, I feel the most strongly. At the turn of the last century, book sellers would put a notice in their books that the book could not be "resold", as the book was considered the intellectual property of the publisher. In another similar case, recording companies in the 1930s tried to expand their rights under copyright protection by using licenses (or contracts) that were implied to be consented to when the consumer opened the package. This was found to be illegal under *RCA v. Whiteman* by the Second Circuit Court of Appeals.

Yet, in this new century, we are allowing software manufacturers to force

consumers to constantly pay for features they do not want or need because of licensing. A simple return to copyright law to apply to all media, i.e. books, recording, and software, would be more beneficial, less costly, and more timely than the current situation. Product innovation should spurn consumer spending - not the fine print on unread licenses! Return software to the protection (and ONLY the protection) offered by copyright law and the doctrine of first sale.

Sincerely,

C. Daniel Myers